

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 12

4588

Leah Pfeiffer,

Plaintiff,

Civil Action No.: _____

v.

MATSUMOTO, J.

First Credit Services, Inc.

**COMPLAINT AND
LEVY, M.J. DEMAND FOR TRIAL BY JURY**

Defendant(s).

X

Plaintiff Leah Pfeiffer ("Plaintiff" or "Pfeiffer"), by and through its attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for its Complaint against the Defendant First Credit Services, Inc. ("Defendant" or "FCS"), respectfully sets forth, complains and alleges, upon information and belief, the following:

FILED
2012 SEP 17 PM 3:08
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. Seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of NY, County of Kings, residing at 2151 57th Street, Brooklyn, NY 11204.

3. Defendant is a collection firm with a principal place of business at 1 Woodbridge Center, Suite 410, Woodbridge, NJ 07095, and, upon information and belief, is licensed to do business in the State of NY.

4. FCS is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. Sec. 1367 (a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391 (b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. In or around November, 2011, Defendant left a voicemail for Plaintiff with respect to the Alleged Debt. In that communication, Defendant failed to state that it was a debt collector.

10. In that communication, Defendant failed to state that it was attempting to collect a debt and that any information would be used for that purpose (See transcript, attached hereto as Exhibit “A”).

11. Defendant also failed to identify its true company name.
12. Said failure on the part of defendant is a violation of the FDCPA, 15 U.S.C. § 1692e(11).
13. Said failure on the part of defendant is also a violation of the FDCPA, 15 U.S.C. § 1692e(14).
14. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

15. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.
16. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692e(11) and 15 USC §1692e(14).
17. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

18. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues this complaint to which plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Leah Pfeiffer demands judgment from the Defendant First Credit Services, Inc. as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. A declaration that the Defendants' practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
September 11, 2012

Respectfully submitted,


By: 
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Exhibit A - Transcript

Calling regarding... formally know... Hanging up the phone is not the way out. You are the one who gave us the check, the check bounced... it is very important that you call back 800-392-4029, extension 432. Thank you.